

JOSEPH P. RUSSONIELLO (CSBN 44332)
United States Attorney

BRIAN STRETCH (CABN 163973)
Chief, Criminal Division

DENISE MARIE BARTON (MABN 634052)
Assistant United States Attorney

450 Golden Gate Avenue, Box 36055
San Francisco, California 94102
Telephone: (415) 436-7359
Facsimile: (415) 436-7234
denise.barton@usdoj.gov

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	CR 03-08-70552 JCS
Plaintiff,)	STIPULATION AND [PROPOSED] ORDER
v.)	CONTINUING THE ARRAIGNMENT /
DAPHENE VICKERS,)	PRELIMINARY HEARING DATE
Defendant.)	

This matter is set for a Preliminary Hearing / Arraignment on March 16, 2009 at 9:30 am. The parties now seek to continue this date until May 7, 2009 am for the following reasons. First, the parties have met twice to discuss pre-indictment resolution and are diligently exploring the discussed possibilities. As part of these discussions, defense counsel needs to engage in some additional legal research to address the legal implications of certain resolutions. Second, since her release, the defendant has been living with her custodian and mother, Frankie Stanley, in Tyler, Texas. Ms. Stanley, requests that the continued hearing be scheduled for May 2009 to avoid her taking off additional time in April 2009 from her job, which will be to her financial

UNITED STATES V. VICKERS,
03-08-70552 JCS,
STIPULATION AND [PROPOSED] ORDER

detriment. The United States does not object to the custodian's request. Further, defense counsel does not believe it is in her client's best interests for the Court to hold a Preliminary Hearing within the time provided for under Federal Rule of Criminal Procedure 5.1(c) and therefore waives time under that Rule. The parties represent that granting the continuance was necessary for effective preparation of counsel, taking into account the exercise of due diligence, and that the ends of justice served by the granting of such continuance outweigh the best interests of the public and the defendant in a speedy trial. See 18 U.S.C. § 3161(h)(8)(B)(iv).

SO STIPULATED:

JOSEPH P. RUSSONIELLO
United States Attorney

DATED: March 10, 2009

/s/
DENISE MARIE BARTON
Assistant United States Attorney


DATED: March 10, 2009

/s/
NINA WILDER
Attorney for DAPHNE VICKERS

For the foregoing reasons, this matter is continued until May 7, 2009 at 9:30 am. Pursuant to the Speedy Trial Act, Title 18 United States Code, sections 3161(h)(8)(A) and 3161(h)(8)(B)(iv), the ends of justice are served by granting the requested continuance, given that failure to do so would deny counsel effective preparation, taking into account the exercise of due diligence, and the request of the defendant's custodian. Accordingly, time shall be excluded from March 16, 200⁹~~8~~ through May 7, 2009.

SO ORDERED.

DATED: 3/12/09


Honorable Edward M. Chen
United States Magistrate Court Judge

UNITED STATES V. VICKERS,
03-08-70552 JCS,
STIPULATION AND [PROPOSED] ORDER